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Pitcairn

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 19 December 2013. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: Pitcairn is a Non-Self-Governing Territory under the Charter of the United Nations administered by the United Kingdom of Great Britain and Northern Ireland.

Representative of administering Power: High Commissioner: Vicki Treadell.

Geography: Pitcairn is located midway between Australia and the continent of South America at 25°S and 130°W. It comprises four islands: Pitcairn (the only inhabited island), Henderson, Ducie and Oeno.

Land area: 35.5 km^2 (Pitcairn Island: 4.35 km^2).

Exclusive economic zone (EEZ): 800,000 km^2.[a]

Population: 49 (2013); this does not include the two individuals currently studying in New Zealand.

Languages: The official languages are English and Pitkern, a mixture of eighteenth-century English and Tahitian.

Capital: Adamstown, the only settlement.

Mayor: Shawn Christian as from 1 January 2014.

Main political parties: None.

Elections: Elections of the Council are held every two years (most recent election: November 2013); elections for the Mayor, the head of the Council, are held every three years.

Economy: The economy of Pitcairn is based largely on fishing, horticulture. the sale of handicrafts, beekeeping and honey production. Pitcairn receives budgetary aid from the United Kingdom.

Monetary unit: New Zealand dollar ($NZ).

Brief history: Pitcairn is named after Robert Pitcairn, a British midshipman who sighted it in 1767. The island was uninhabited when castaways from *HMS Bounty* (9 mutineers and 18 Polynesians) arrived there in 1790. The majority of the inhabitants of Pitcairn today can trace their ancestry back to those mutineers.

[a] Exclusive economic zone data from Johann D. Bell, Johanna E. Johnson and Alistair J. Hobday, eds., *Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change* (Auckland, New Zealand: Secretariat of the Pacific Community, 2011). Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional, legal and political issues

1. A new constitution came into effect in March 2010, replacing the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970. The Governor is appointed by the British Crown. In practice, the High Commissioner of the United Kingdom of Great Britain and Northern Ireland to New Zealand is appointed concurrently as Governor of Pitcairn, and overall responsibility for the administration of the island is accordingly vested in this function.

2. Under the Constitution, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject after consultation with the Island Council. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the British monarch, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an Order in Council.

3. Islanders manage their internal affairs through the Island Council established by the Local Government Ordinance and enshrined in the Constitution. The Ordinance conferred upon the Council the duty, subject to orders and directions by the Governor, to provide for the enforcement of the laws of Pitcairn, and empowered it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the islanders. According to the 2012 revised edition of the Ordinance, the Council consists of seven voting members (the Mayor, the Deputy Mayor and five Councillors, all elected) and four non-voting ex officio members (the Governor, the Deputy Governor, and the Governor's representative). During elections in November 2013, Shawn Christian was elected as Mayor.

A. Electoral qualifications

4. In order to vote, persons must be at least 18 years old, must intend to remain on Pitcairn indefinitely, and must also have been resident there for a specified period: one year if born on Pitcairn or a spouse of someone otherwise entitled to vote; two years if a de facto partner of a person otherwise entitled to vote; or three years if not born on Pitcairn. Anyone who is eligible to vote may also stand for election to any of the Island Offices, so long as he or she has not been sentenced to imprisonment for 3 months or more in the past 5 years. The Island Secretary prepares the register of voters in September of each year, and elections are held between the first and fifteenth days in November (inclusive).

B. Judicial system and human rights

5. The Island Magistrate is appointed from among the residents of Pitcairn. Other magistrates, legally qualified in a Commonwealth country, are appointed to preside over the Court in matters outside the powers of the Island Magistrate. The jurisdiction of the Court is limited to offences triable summarily, committal proceedings and certain inquiries, together with civil litigation up to a prescribed level. There is a right of appeal to the Supreme Court of Pitcairn, which is a superior court of record and has jurisdiction in criminal and civil cases outside the competence of the Magistrate's Court. The Supreme Court is constituted by a judge,

the Chief Justice or one of several puisne judges, with or without assessors. Further rights of appeal may be made to the Pitcairn Court of Appeal, comprising three judges, and to the Privy Council.

6. The Supreme Court has original jurisdiction over breaches of the civil and political rights contained in the Constitution. It has power to make such declarations and orders as it considers appropriate for the purpose of upholding the rights, and may award damages. In the circumstances of Pitcairn, the Governor, as holder of the highest executive office, and the Chief Justice, as head of the judiciary, are responsible within their respective spheres of authority for overseeing the implementation of human rights on Pitcairn.

7. A child safety review took place in March 2013, as established in the Pitcairn budget aid project for 2012-2013 of the Department for International Development, which has highlighted the same need for continued safeguarding measures on the island. In addition, 11 islanders have graduated from the Child Protection Studies programme (2011-2013), a training course accredited by the New Zealand Qualifications Authority.

II. Budget

8. According to the United Kingdom, the 2012-2013 expenditure for Pitcairn, supported by the Department for International Development, was roughly £2.9 million. According to the Department, the budgetary aid covers its citizens' reasonable assistance needs, ensuring maintenance of a range of basic public services (e.g. electricity, telecommunications) and provision of part-time public sector employment. Budget aid is also used to provide medical and educational services, as well as a shipping service that provides a necessary lifeline in terms of freight and passenger services. The prospect of self-sufficiency is very low in the case of Pitcairn because of its size and remoteness. The island's budget aid has increased by around 220 per cent over the past six years, owing mainly to the cost of the new shipping service, introduced in 2008; the associated costs of the four expatriate professionals (police officer, family and community adviser, teacher and doctor); and exchange rate fluctuations. The major recurrent expenditures include shipping and freight subsidies and the costs of off-island professionals who are employed to ensure continued child safeguarding. The territorial allocation provided for Pitcairn under the tenth European Development Fund, which ran from 2008 to 2013, amounted to €2.4 million.

III. Economic and social conditions

9. The principal source of income for Pitcairn's public economy had traditionally been the sale of stamps. Owing largely to a downturn in the stamp market, however, the island now receives budgetary assistance from the Department for International Development. A scaled-down stamp trade continues nonetheless, with six or seven new stamp issues released each year. Pitcairn coins (New Zealand mint) are another collectors' item and include a number of new designs expected for release in 2014. Revenue is also generated from landing fees for tourist arrivals.

10. Pitcairn's income is also supplemented by the sale of Internet domain names. Internet users worldwide can acquire a ".pn" suffix that is permanently awarded to Pitcairn. The fee for the acquisition of a ".pn" domain is US$100.00 per year. Domain names may also be purchased on a monthly basis at US$10 per month. Also available for purchase are the subdomains co.pn, net.pn and org.pn. The cost of these is US$50.00 per year.

11. Two main challenges to socioeconomic development have been identified by the Department for International Development: the legacy of the child sexual abuse cases and the continuing need to maintain rigorous child protection measures; and the ageing population and the declining share of the population that is economically active. The Department states that only 31 people fall into the economically active category, with only 11 under the age of 50, of whom only 3 are in the 20-30 age group. Half of the population is aged over 50, 18 of whom are aged over 60. This situation is having an increasingly negative impact on economic production and health-care costs. The natural growth rate of the population is already beyond a sustainable replacement rate. In the period 2001-2012, there were only eight births and fewer than five women of childbearing age. Increased funds will be necessary in the medium term to support the ageing population.

12. The Department for International Development and the Government of Pitcairn have developed a five-year strategic development plan, 2012-2016 which sets out the views and aspirations of the Pitcairn Islanders for the socioeconomic development of Pitcairn. The Plan is based largely on efforts to boost revenue by increasing tourism, small business development and honey production.

13. In line with the strategic development plan, the Pitcairn Island Council approved in March 2013 an immigration policy designed to promote immigration and repopulation, bringing people with necessary skills and commitment to Pitcairn. In the second half of 2013, a survey of the diaspora population was launched to identify the diaspora's interest in returning to the Territory, the extent of such an interest and the factors conditioning a decision.

14. The private economy of Pitcairn is based on the manufacture and sale of handicrafts. A number of Pitcairn handicrafts are available directly through the Internet. Bartering, mainly with passing ships, is also an important part of the economy. The fertile soil of the island produces a wide variety of fruit and vegetables. Some islanders also provide a homestay service to tourists who come to visit the island. Pitcairn has no hotels or motels. The Pitcairn Island Producers' Cooperative, established in 1999, promotes and coordinates the distribution of honey and honey products. According to data from the Commonwealth Secretariat, a range of minerals, including manganese, iron, copper, gold, silver and zinc, have been discovered within the exclusive economic zone (EEZ) of Pitcairn.

15. The uninhabited island of Henderson, designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization in 1988, is the largest of the group and the richest in natural resources of the three satellite islands. Islanders visit there occasionally, staying a few days to collect a year's supply of miro wood, which they use to produce carvings, as well as to put down a layer of young miro branches in order to ensure a sustainable crop for years to come. Environmentalists also visit Henderson from time to time, as it is known for its endemic species of birds and plants in a near-pristine system. Oeno is an important breeding site for seabirds. In 2011, a non-governmental organization led a project to

eradicate rats, which were threatening the bird population. Unfortunately, the project, to which the Government of the United Kingdom contributed more than £400,000, was unsuccessful and rats remain on the island. The Government of the United Kingdom and the relevant stakeholders are investigating. From July to September 2013, a monitoring expedition took place to assess the situation.

A. Transport

16. Access to Pitcairn is possible only by sea. A shipping service runs from Mangareva in French Polynesia to the island eight times a year, with four freight runs directly from New Zealand. Cruise ships also call during the tourism season, which lasts from December to March. Ships visiting the island remain at anchor some distance from the shoreline and visitors are ferried to the island in longboats. According to the information provided by the Government of the United Kingdom, plans are being considered to improve landing facilities, in particular for cruise ship passengers, given that tourism development is important for the future prosperity of Pitcairn. According to the European Union, an alternative landing facility, supported by the European Development Fund, is being constructed.

B. Communications and power supply

17. The communications system installed in 2006 provided the island with telephones in all homes, a stable Internet system and limited television service and videoconferencing facilities. The system was upgraded in 2011. Currently, diesel-driven generators provide 240-volt electric power for 15 hours per day (7 a.m.-10 p.m.).

C. Land tenure

18. A land tenure reform ordinance was enacted at the end of 2006 to ensure that every Pitcairn Islander was entitled to an allocation of house, garden, orchard and forestry land. More detailed information on land distribution issues is provided in the 2005 working paper (A/AC.109/2005/10).

D. Employment

19. The population of Pitcairn is self-employed, but salaries are paid to members of the community who participate in local government activities. Under the new governance structure, introduced in April 2009, the majority of the inhabitants have at least one part-time government job. Public work, recently renamed "civic obligations", required by law of all men and women between 15 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. The most essential traditional public duties concern Bounty Bay: the maintenance of public boats and the unloading of supplies. Public works not relating to Bounty Bay are now rarely carried out. There are no banking facilities, but undated personal cheques and traveller's cheques may be cashed at the Government Treasurer's office.

E. Education

20. Education is free and compulsory for all children between 5 and 15 years of age. Pitcairn's only school was completely rebuilt in 2006. Instruction is in English and is based on the New Zealand standard curriculum. The Education Officer is a qualified teacher recruited from New Zealand, usually for a one-year term. For practical reasons, post-primary education is conducted at the school by correspondence courses arranged through the Department of Education of New Zealand. Overseas secondary education is encouraged through the granting of bursaries, and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. Since 2007, citizens from the overseas territories have benefited from the home student fee rate at British universities.

21. Pitcairn has a museum, which was built using funds from a grant from the Government of the United Kingdom. Artefacts on display include stone tools made by Polynesians before the arrival of the mutineers, as well as cannonballs, an anchor and a swivel gun from the HMS Bounty. The Seventh-Day Adventist Church is the only church on the island. A pastor from French Polynesia is currently stationed on the island.

F. Health care

22. A general practitioner is stationed on the island on a one-year contract, assisted by an assistant nurse. The Government of the United Kingdom has also funded a social welfare programme, which includes a family and community adviser. As on other Pacific islands, obesity and diabetes are health problems.

23. In a communiqué dated 5 December 2012, the Joint Ministerial Council, a body that brings together political leaders and representatives of the United Kingdom and its overseas territories, including Pitcairn, expressed agreement on the importance of health security and on achieving compliance with the requirements of the International Health Regulations, an international legal instrument binding on 194 countries, including all States members of the World Health Organization, by June 2014. Furthermore, the participants agreed to identify and make use of all available sources of assistance, in particular from regional and global health organizations, such as the Pan American Health Organization and United Nations agencies, to share best practices on health strategies and processes, with special emphasis on the treatment of non-communicable diseases, and to improve representation of the territories and linkages with global and regional health bodies.

G. Criminal justice

24. According to the United Kingdom, Pitcairn's criminal justice system is administered through a combination of on- and off-island processes. Criminal law is contained in local ordinances and regulations as well as in English law of general application. Charges are laid by a police officer or the public prosecutor. Pitcairn has two police officers: a community police officer appointed from among the island residents and an officer who is recruited from New Zealand, usually for a post of 12 months. The public prosecutor is a lawyer qualified in a Commonwealth country.

25. A public defender is appointed by the Governor to represent defendants in criminal cases, and legal aid is available to any person who has insufficient means to obtain legal representation. A publicly funded community lawyer has also recently been appointed.

26. More minor criminal matters involving breaches of local ordinances or regulations can be heard before the Island Magistrate. Other summary offences and committal proceedings may be heard before the off-island magistrates in the Magistrate's Court. Magistrates must sit with assessors, selected randomly from among the island residents, for all criminal cases with penalties of more than $400, unless the defendant has admitted guilt or there are no eligible assessors. Indictable offences must be heard in the Supreme Court.

27. The Magistrate's Court and the Supreme Court may sit in Pitcairn, New Zealand, the United Kingdom or elsewhere. To allow for the distances and difficulty of travel to and from Pitcairn, a judge may order that a person involved in a proceeding participate by live video link. In making an order, the judge is required to give particular consideration to the impact of this on the defendant's right to a fair trial. Appeals can be made to the Court of Appeal and the Privy Council. Work is currently being carried out to further improve criminal procedure and the accessibility of the law and the courts.

IV. Environment

28. Water quality testing is carried out in all residential and government buildings, and data are recorded. Leaf catchers, first flush diverters and gutter guards have been installed at all residential and government buildings to reduce contaminates. Water flow measurement data are collected from various springs and the secretariat of the Pacific Community is assisting in collating the data and providing technical assistance. A total of 240 water tanks, with a total storage capacity of 1.4 million litres, have been provided, for an overall increase of 268,000 litres of water. Weather observations are collected on a daily basis, and weather data have been collected since 1945. The secretariat provides technical assistance with graphs and averages.

29. According to the Pitcairn strategic development plan, the Pitcairn Island Council, in partnership with the Pew Charitable Trusts and the National Geographic Society, both based in the United States of America, submitted in November 2012 a report to the Government of the United Kingdom that proposed the creation of the world's largest no-take marine reserve, an area that would encompass the entirety of the EEZ of the Pitcairn Islands, with the exception of a 12-mile radius surrounding the island of Pitcairn that would allow development of commercial fishing activities.

30. The report, prepared for submission to the Foreign and Commonwealth Office of the United Kingdom and published in May 2013, detailed how monitoring and enforcement of the EEZ of the Pitcairn Islands could effectively be undertaken for a relatively low level of expenditure and outlined the most important steps that could be taken to create a robust enforcement system. The report also reviewed some affordable technologies that could be deployed to support the EEZ. According to the report, creating a marine reserve and deploying these relatively low-cost options would provide protection for the EEZ that is far better than that provided for the vast majority of oceans worldwide. The report stated that these actions would

distinguish the United Kingdom as a world leader in the responsible stewardship of the marine environment.

31. In the view of the Pew Charitable Trusts, the purpose of the Pitcairn Islands Marine Reserve would be to protect fully the special marine environment and to provide a world-class, fully protected marine reserve in order to attract scientific research, non-consumptive tourism and other non-extractive economic uses and favourable global recognition for Pitcairn. If approved, it would become the world's largest marine reserve, encompassing more than 800,000 square kilometres; all fishing and the extraction of other natural resources would be prohibited, with the exception of local traditional fishing. Any vessels entering or passing through the EEZ would have to comply with specific provisions. A review of the marine reserve would be undertaken every 10 years.

32. In January 2014, a United Kingdom House of Commons environmental audit committee issued a report entitled "Sustainability in the United Kingdom overseas territories", which identified a number of financial and institutional concerns regarding threats to unique habitats and species and regarding the protection of biodiversity in the overseas territories.

33. In its report, the committee stated that during its inquiry, the Government of the United Kingdom had expressed general but unspecified aspirations to cherish the environment in the overseas territories, but had been unwilling to acknowledge or address its responsibilities under United Nations treaties. This was found to be disappointing, because the environment in the overseas territories was globally significant and constituted 90 per cent of the biodiversity for which the Government had responsibility. According to the committee, the Government had failed to negotiate the extension of the Convention on Biological Diversity, the flagship United Nations policy on biodiversity protection, to all the overseas territories and had not ensured the accurate monitoring of biodiversity there. The committee said that, in environmental terms, the report on the overseas territories, published in 2012, was considered a missed opportunity.

34. Among the conclusions of the environmental audit committee were the following:

(a) In the light of the international significance of the biodiversity in the overseas territories of the United Kingdom, a gap of 13 years between overseas territories reports was too long;

(b) The Government of the United Kingdom was prepared to exercise hard and soft power in relation to financial matters in the overseas territories, but it was apparently not prepared to exercise those powers to protect biodiversity and to promote environmental sustainability;

(c) The four overseas territories to which the Convention on Biological Diversity had been extended (the British Virgin Islands, Gibraltar, Saint Helena and the Cayman Islands) had not been included effectively in biodiversity reporting by the United Kingdom; it was felt that compliance with the stipulations of the Convention was ultimately the responsibility of the Government of the United Kingdom;

(d) Without enhanced monitoring, the Department for Environment, Food and Rural Affairs of the United Kingdom could not accurately report under the

Convention on Biological Diversity on the full extent of biodiversity in the overseas territories and therefore could not measure progress towards the target of halting biodiversity loss by 2020.

35. With regard to Pitcairn, the report included the recommendation that the Department for Environment, Food and Rural Affairs and the Foreign and Commonwealth Office respond positively to the Pitcairn Islanders' request to establish a fully protected marine protected area in line with Aichi Biodiversity Target 11, to protect 10 per cent of the world's coastal and marine areas by 2020.

V. Relations with international organizations and partners

36. Since January 2014, Pitcairn has been a partner under the European Union Overseas Association Decision of 2013, approved, inter alia, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world.

37. Pitcairn is a member of the secretariat of the Pacific Community, which is the oldest and largest organization in the 10-member Council of Regional Organizations of the Pacific, a consultative process that is headed at the political level by the Pacific Islands Forum Secretariat. The Secretariat of the Pacific Community provides technical assistance, policy advice, training and research services to 22 Pacific Island Countries and Territories in such areas as health, human development, agriculture, forestry and fisheries. Pitcairn also participates in the Pacific Community Coastal Fisheries Programme.

VI. Future status of the Territory

A. Position of the territorial Government

38. The most recent statement by a representative of the island's Mayor was made during the Pacific regional seminar on advancing the decolonization process in the Pacific region, held in Madang, Papua New Guinea, from 18 to 20 May 2004. The statement is summarized in the report of the Special Committee on Decolonization for 2004 (A/59/23).

B. Position of the administering Power

39. On 11 October 2013, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) at the sixty-eighth session of the General Assembly, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. Should the people of a Territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

40. The representative went on to say that since the publication in June 2012 by the Government of the United Kingdom of the white paper entitled "The Overseas

Territories: security, success and sustainability", the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with leaders of the Territory by transforming the meeting into a joint ministerial council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper (see A/C.4/68/SR.7).

41. At the second meeting of the Overseas Territories Joint Ministerial Council, held in London on 26 November 2013, the United Kingdom and leaders of the overseas territories agreed on a communiqué that included the following passage setting out the joint position of the United Kingdom and the overseas territories on self-determination:

> We reiterate our commitment to continuing to build a modern relationship based on partnership, shared values and the principle of self-determination. The people of each territory have the right to choose whether or not their territory should remain a British overseas territory or to seek an alternative future.
>
> . . .
>
> The right of self-determination is enshrined in the Charter of the United Nations. We believe that the people of all overseas territories have a right to determine their own future, to decide on the path they wish to take and to maintain freely their constitutional link with the United Kingdom if that is their choice. Being a British territory entails a balance of benefits and responsibilities. We affirm a commitment to shared values, high standards of governance and building a stronger partnership. Any decision to break the constitutional link should be on the basis of the clear and constitutionally expressed wish of the people of the territory. We believe that the United Nations Decolonization Committee should delist territories where this is their wish.
>
> Each territory is unique and has its own constitution. We will continue work to complete the process of constitutional modernizations so that territories have the greatest self-government possible.

C. Action taken by the General Assembly

42. On 11 December 2013, the General Assembly adopted, without a vote, resolution 68/95 A and B, based on the report of the Special Committee (A/68/23) and on the subsequent recommendation by the Fourth Committee. Section VIII of resolution 68/95 B concerns Pitcairn. In the operative paragraphs of that section, the General Assembly:

> 1. *Welcomes* all efforts by the administering Power and the territorial Government that would further devolve operational responsibilities to the Territory, with a view to gradually expanding self-government, including through training of local personnel;
>
> 2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with

Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

3. *Also requests* the administering Power to continue its assistance for the improvement of the economic, social, educational and other conditions of the population of the Territory and to continue its discussions with the territorial Government on how best to support socioeconomic and environmental security in Pitcairn;

4. *Welcomes* the work carried out on the preparation of a five-year strategic development plan for the island.